

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL REYNOLDS,

Plaintiff

v.

**COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF CORRECTIONS, et al.**

Defendants

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: **No. CV-09-2072**
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: **(Electronically Filed)**

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants, Pennsylvania Department of Correction, the State Correctional Institution at Mahanoy, Jeffrey Beard, John Kerestes and Don Young, by their attorneys, hereby move the Court pursuant to Fed.R.Civ.P. 56 for summary judgment in their favor on plaintiff's claims because the pleadings are closed, there is no genuine issue of material fact and they are entitled to judgment as matter of law.

WHEREFORE, Defendants ask the Court to grant their motion and enter summary judgment in their favor and against the plaintiff.

Respectfully submitted,

THOMAS J. CORBETT, JR.
Attorney General

By: *s/Gwendolyn T. Mosley*
GWENDOLYN T. MOSLEY
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DATE: August 20, 2010

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Chief, Litigation Section

Counsel for Defendants

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CERTIFICATE OF NONCONCURRENCE

I, Gwendolyn T. Mosley, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that concurrence in the foregoing motion for summary judgment was sought but was not obtained.

s/Gwendolyn T. Mosley
GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

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CERTIFICATE OF SERVICE

I, Gwendolyn T. Mosley, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, hereby certify that on October 7, 2009, a true and correct copy of the foregoing brief was served via e-mail through the Eastern District's electronic filing system upon the following individuals:

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GWENDOLYN T. MOSLEY
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